

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 76172

Diana Lee Howard
2300 Taylor Avenue
Baltimore MD 21234

2612 Taylor Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on June 8, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BC) section 13-7112, 115, 310, 312; 35-2-404; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, 1B01.1D, failure to cease open dump conditions, failure to maintain investment property in good repair on residential property known as 2612 Taylor Avenue, 21234.

On May 10, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Kim Wood issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$4,000.00 (four thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 21, 2010 for removal of open dump/junk yard, remove trash and debris, remove/repair unsafe structure, remove tall grass and weeds, secure vacant house, repair or replace defective gutters and downspouts, repair garage door. This Citation was issued on May 10, 2010.

B. Notes in the file from Inspector Kimberly Wood state that re-inspection prior to this Hearing found the open dump conditions had been corrected. However, the gutters and downspouts have not been repaired or replaced. Photographs in the file show gutters and downspouts on the ground next to the house.

C. This is an investment property. Respondents are required by law to maintain the exterior of this rental property at least in conformance with county code standards, including keeping all exterior structures in good condition, and keeping gutters and downspouts in good repair. BCC Article 35, Title 2, Subtitle 4 (Maintenance of Investment Property); BCC Article 35, Title 5, Subtitle 2 (Rental Property). Respondents have failed to maintain this property. This kind of inadequate maintenance of investment property is detrimental to communities. See BCC 35-2-402.

D. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violations are corrected by July 26, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 21st day of June 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer